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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,127

04/14/2006

Tsukasa Yoneyama

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EXAMINER

DAGLAWI, AMAR A

ART UNIT

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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,127	Applicant(s) YONEYAMA ET AL.	
	Examiner AMAR DAGLAWI	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by
Hiramatsu et al (US 6,832,081 B1)

With respect to claim 20, Hiramatsu teaches An NRD guide transceiver characterized by comprising a pair of dielectric strips disposed between a pair of conductor plates arranged in parallel with each other at a specified interval, an oscillator connected to one end of one of said pair of dielectric strips, an antenna connected to one end of the other of said pair of dielectric strips, Schottky barrier diodes respectively connected to the other ends of both of said pair of dielectric strips, a low pass filter connected to a signal input terminal and a high pass filter connected to an IF output terminal, wherein transmitted and received signals are separated in time division by said low pass filter and said high pass filter (Fig.7, Fig.9A, Fig.34, Fig.38, Fig.18A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

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With respect to claim 21, Hiramatsu further teaches the nrd guide being characterized in that the mount of said schottky barrier diodes is formed in one body (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 22, Hiramatsu further teaches the nrd guide being characterized in that a bias circuit for applying a bias voltage to said schottky barrier diode is juxtaposed (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 23, Hiramatsu teaches An NRD guide transceiver characterized by comprising an NRD guide circuit comprising; a pair of dielectric strips disposed between a pair of conductor plates arranged in parallel with each other at a specified interval, an oscillator connected to one end of one of said pair of dielectric strips, an antenna connected to one end of the other of said pair of dielectric strips, and Schottky barrier diodes respectively connected to the other ends of both of said pair of dielectric strips, said NRD guide circuit being provided with; two .low pass filters respectively connected to a signal input terminal and a circuit terminal, and a high pass filter connected to an IF output terminal, wherein; a resistor is connected to an output terminal of the filter connected to said circuit terminal (Fig.7, Fig.9A, Fig.34, Fig.38, Fig.18A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 24, Hiramatsu further teaches the nrd guide being characterized in that the mount of said schottky barrier diodes is formed in one body (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 25, Hiramatsu further teaches the nrd guide being characterized in that a bias circuit for applying a bias voltage to said schottky barrier diode is juxtaposed (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

3. Claims 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mages (US 2005/0070232 A1).

4. With respect to claim 26, Mages teaches A portable download memory being connected directly to a receiving means and having DRAM or HDD into which data received by said receiving means is directly written (par [0006], par [0083-0089]).

5. With respect to claim 27, Mages further teaches Mages further teaches characterized by further teaches comprising a transmitting means for data transmission successively transmitting data stored in said download memory (par [0006], par [0083-0089]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu et al (US 6,832,081 B1) in view of Mages (US 2005/0070232 A1).

10. With respect to claim 28, Hiramatsu teaches A download system characterized by comprising:

11. a server having a server side transmitting and receiving means capable of performing transmission and a client having a client side transmitting and receiving means for receiving data transmitted from said server side transmitting and receiving

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means (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

12. However, Hiramatsu fails to teach a server side memory having DRAM or HDD for storing large-capacity data in it and a transmission side control means for making said server side transmitting and receiving means transmit requested data out of data stored in said server side memory according to a request from a client side and download memory having DRAM or HDD into which large-capacity data received by said client side transmitting and receiving means are directly written and a reception side control means for indicating data to be downloaded to said server side and making the downloaded data be written into said download memory which is taught in the same field of endeavor by Mages (par [0006], par [0083-0089]).

13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of the system as taught by Hiramatsu to incorporate the non-volatile (DRAM) memory as taught by Mages so as to upload or download data to and from the memory via an interface.

14. With respect to claim 29, Hiramatsu in view of Mages further teaches said server further comprises a non volatile memory means for storing large-capacity data stored in said server side memory in it for back up (Mages, par [0006], par [0083-0089]).

15. With respect to claim 30, Hiramatsu in view of Mages further teaches said server side transmitting and receiving means and said client side transmitting and receiving means perform transmission and reception by means of a millimeter-wave transmission

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(Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

16. With respect to claim 31, Hiramatsu in view of Mages further teaches said server side transmitting and receiving means and said client side transmitting and receiving means is a circuit using an NRD guide (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 32, Hiramatsu in view of Mages further teaches a reproducing apparatus being capable of having said download memory connected to it and reproducing data stored in said download memory (par [0006], par [0083-0089]).

With respect to claim 33, Hiramatsu in view of Mages further teaches said download memory comprises a radio- transmitting means for successively radio-transmitting data stored in said download memory, a radio-receiving means for receiving data transmitted from said radio-transmitting means and a reproducing apparatus for reproducing received data (par [0006], par [0083-0089]).

With respect to claim 34, Hiramatsu in view of Mages adding advertising data to said data to be downloaded (par [0006], par [0083-0089]).

17. With respect to claim 35, Hiramatsu in view of Mages further teaches aid circuit using an NRD guide comprises; a pair of dielectric strips disposed between a pair of conductor plates arranged in parallel with each other at a specified interval, an oscillator connected to one end of one of said pair of dielectric strips, an antenna connected to one end of the other of said pair of dielectric strips, Schottky barrier diodes respectively

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connected to the other ends of both of said pair of dielectric strips, a low pass filter connected to a signal input terminal, and a high pass filter connected to an IF output terminal (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 36, Hiramatsu in view of Mages further teaches a pair of dielectric strips disposed between a pair of conductor plates arranged in parallel with each other at a specified interval, an oscillator connected to one end of one of said pair of dielectric strips, an antenna connected to one end of the other of said pair of dielectric strips, Schottky barrier diodes respectively connected to the other ends of both of said pair of dielectric strips, two low pass filters respectively connected to a signal input terminal and a circuit terminal, and a high pass filter connected to an IF output terminal, wherein; a resistor is connected to an output terminal of the filter connected to said circuit terminal (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 37, Hiramatsu in view of Mages further teaches being characterized in that the mount of said schottoky barrier dioded is formed in one body (Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

With respect to claim 38, Hiramatsu in view of Mages further teaches that the bias circuit for applying a bias voltage to said schottky barrier diodes is juxtaposed

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(Fig.7, Fig.9A, col.33, lines 11-67, col.34, lines 59-67, col.35, lines 1-67, col.58, lines 40-67, col.59, lines 1-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
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Supervisory Patent Examiner, Art Unit 2618